IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTIETH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 6241 of 2005

Between:

1 G.Krishna, S/o.Danaiah,
O/o.A.P.Foods, I.D.A.Nacharam,
Hyderabad.
2 SK.Hussain, S/o.Sk.Moula Ali,
O/o.A.P.Foods, I.D.A.Nacharam,
Hyderabad.
3 B.Anjaneyulu, S/o.B.Gandaiah,
O/o.A.P.Foods, I.D.A.Nacharam,
Hyderabad.
4 K.Venkatesh, S/o.Narasimha,
O/o.A.P.Foods, I.D.A.Nacharam,
Hyderabad.
5 Md.Nawab, S/o.Md.Pasha,
O/o.A.P.Foods, I.D.A.Nacharam,
Hyderabad.
6 T.Chakrapani, S/o.T.Yadagiri,
O/o.A.P.Foods, I.D.A.Nacharam,
Hyderabad.

..... PETITIONERS

AND

The Managing Director, A.P.Foods,

Industrial Development Area,Nacharam, Hyderabad,
R.R.District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, direction or order and more particularly one in the nature of writ of Mandamus declaring the action of the respondent in issuing the Tender for Labour contract published in Eenadu dated 2-3-2005 is illegal, arbitrary and violative of principles of natural justice and set aside the same and further call for the records on the file of the respondent in relation to the

causal workers appointed during the period from 1982 to 1991 and further direct the respondent to absorb/appoint and regularize their services of the petitioners in the existing vacancies of Helper or in any other suitable post and pass such other orders as this Hon'ble court may deem fit and proper in the interest of justice.

Counsel for the Petitioner: MR.B.V.RAM NARESH KUMAR

Counsel for the Respondent: MR.G.RAMACHANDRA RAO

The Court at the admission stage made the following:

ORDER:

Declaring the action of the respondent in issuing the Tender for Labour Contract published in Eenadu dated 02-03-2005, as illegal and arbitrary, the present writ petition is filed.

The learned Counsel for the petitioner contended that the petitioners worked for more than 240 days in the respondent company as casual labour, and instead of taking back them by giving preference, the respondent issued tender notification for labour, and the services of the petitioners have to be regularized.

On the other hand, the learned Counsel for the respondent contended that the petitioners have no *locus standi* to challenge the tender notification, and according to the petitioners, they have been terminated from services orally in the year 1991, and the remedy, if any to challenge the same, is before the Industrial Tribunal.

The respondent issued a tender notification on 02.03.2005, calling for tenders to engage contract workers. The said tender notification is not under challenge. The petitioners seem to have been engaged by the respondent in the year 1982 along with other casual workers, and they remained doing work under the management till 1991. The termination orders said to have been issued to the petitioners on 21.03.1991. They have not challenged the termination order so far. If really the petitioners worked for more than 240 days, the respondent is required to be regularized their services. The remedy to the petitioners is available before competent Forum.

Except the tender notification, no other document is filed to show that the petitioners worked with the respondent for more than 240 days prior to 1991. After lapse of 14 years, the petitioners came to this Court, challenging the tender notification. There is no factual foundation for challenging the tender notification dated 02.03.2005. The writ petition is devoid of merit.

Therefore, the Writ Petition is dismissed, leaving open the remedies, if any, available to the petitioners. No order as to costs.

Dated: 30.03.2005

Dsr

ASSISTANT REGISTRAR

To:

1. The Managing Director,

A.P.Foods, Industrial Development Area,

Nacharam, Hyderabad, R.R.District

2. Two CD copies

*Form-NIC-OGS/WP{**JA**}*